Remarks

Claims 1-5, 7-9, 41, 44, 46-48, 54, 56, 58-64, 66-71, 73-76, and 78-82 were rejected as anticipated by KALL 7,076,257; and claims 10-14, 16-23, 25-31, 33-37, 42-43, 49, 51-53, and 55 were rejected as unpatentable over KALL. Reconsideration and withdrawal of the rejections are respectfully requested.

KALL does not disclose a positioning response generation function unit that generates a response to the external device requesting the position information, where the response is based on request accuracy information (as indicated by inclusion of the word "request", the request accuracy information comes from the external device requesting the position information) that specifies a requested accuracy and request accuracy request class information, where the class information specified by the requesting external device designates a class of treatment when the requested accuracy is not available, in which a first class of treatment specifies that an error is to be sent and a second class of treatment specifies that best available position information is to be sent.

KALL describes various classes (column 7), but does not disclose that these classes are to be used when the requested accuracy is not available and that they are designated by the external device requesting the position information. The classes in KALL are the accuracy that will be provided (column 7, lines

25-38); they are not the backup to be used when the requested accuracy is not available.

By way of further explanation, the Official Action states in the Response to Arguments (page 17) that KALL discloses three class of treatment. However, in the present invention the request accuracy request class information is a parameter that is used to notify the positioning system of the information on what treatment is requested by the client. Thus, while it is true that KALL refers to "the request accuracy information," no such parameter is described in KALL that designates what treatment is to be provided if the requested positioning accuracy is not available.

Further, KALL does not disclose that the client (corresponding to the external client device in the present claims) designates the class of treatment. In KALL, the LCS server designates which treatment is to be provided; KALL does not disclose that the LCS client designates the treatment to be provided.

Consequently, KALL does not disclose that these classes are classes of treatment that can be requested, as indicated in the Official Action.

Accordingly, the claims avoid the rejections under §102 and §103.

Claims 38-40 were rejected as unpatentable over KALL in view of YAMAMOTO et al. 2002/0138650. YAMAMOTO et al. do not make up

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for the shortcomings of KALL noted above and reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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